

REMARKS

Claims 1 to 7 are in the case.

With this amendment, permission to amend the drawings is respectfully requested. In reviewing the drawings, it was noted that reference numeral 32 and 34 were absent and accordingly, these reference numerals have now been added to the application.

In the disclosure, applicant has added the support for a new limitation inserted in the claims. In particular, applicant has stated that the wings of the shovel now merge with the shovel side edge at a point approximately midway between the shovel rear edge and the shovel front edge. This arrangement is clearly shown in the drawings and is not believed to constitute new matter.

In the claims, Claim 1 has been amended to include the limitation with respect to the placement of the wing and the point at which it merges with the shovel front edge. Furthermore, applicant has added the limitation defining the wing front edge as having a straight edge portion and an arcuate concave portion.

U.S. Patent 6,338,511 does not disclose or teach either of the limitations added to Claim 1. The wing front edge portion of Douglas et al either is arcuate or straight, but not a combination of the 2. The reason for this arrangement in applicant's shovel is for cutting sod and the like wherein it is being found that the arcuate portion helps to make the initial entry into the side of the sod and then have a straight edge to permit full cutting of the sod.


Similarly, this arrangement in combination with the arrangement wherein the wings merge with the shovel sidewall approximately midway between the shovel front edge and shovel rear edge provide a practical solution to the cutting and removal of the sod.

In view of the above, it is believed that Claim 1 clearly under patentability defines over the prior art.

For the reasons set forth above, it is also believed that Claims 2 to 7 are allowable. It should also be noted that Claim 7 defines an arrangement wherein each wing rear edge has an outwardly extending flange. The Examiner's comments refer to the flange joining the back edge of the shovel and which the Examiner has identified by reference numerals 18 and 20.

It is now believed this application is in order for allowance, and such action is respectfully solicited.

Respectfully,


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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313-1450, on June 16, 2004

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Eric Fincham

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"Annotated Sheet Showing Changes"

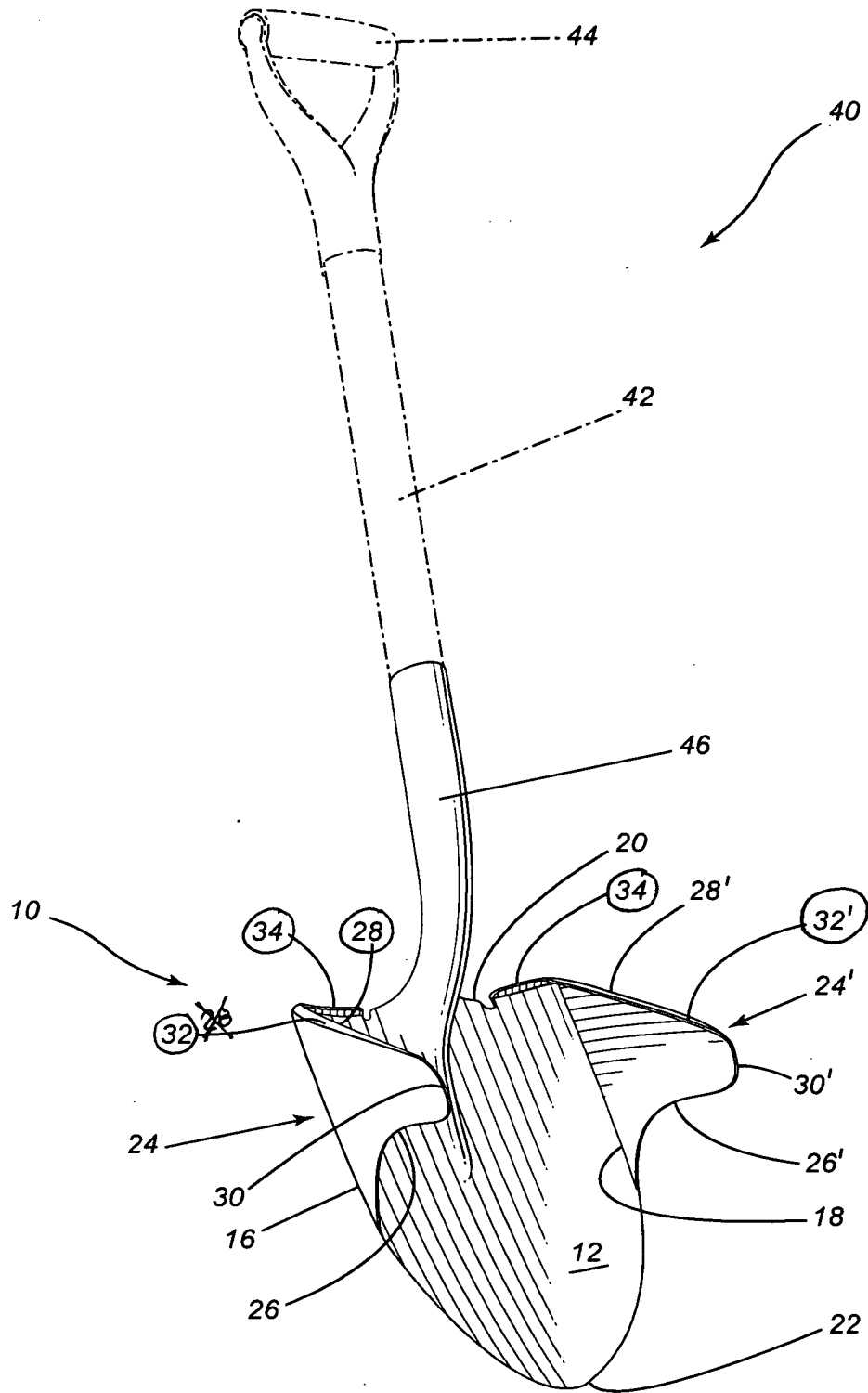


Fig-1

